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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 * * * * *

8 UNITED STATES OF AMERICA,

7 CASE NO. 2:18-cr-00062-JCM-NJK

9 Plaintiff,

10 vs.

11 GILBERT DAVILA

STIPULATION TO CONTINUE
SENTENCING
(First Request)

12 Defendants.

13 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas Trutanich,
14 United States Attorney, by and through Rebecca K. Clinton, Assistant United States Attorney,
15 counsel for the United States, and Defendant, Gilbert Davila, by and through his attorney,
16 Christopher R. Oram, Esq., that the Sentencing in the above-captioned matter, now scheduled for
17 July 11, 2019, at the hour of 10:30 a.m., be vacated and continued to a date and time convenient
18 to the Court, but no sooner than sixty days.¹

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20 This is the first request for a continuance of the Sentencing in this case.

21 This Stipulation is entered into for the following reasons:

22 1. Counsel for Mr. Davila requires additional time to consult with Mr. Davila concerning
23 the presentence investigation report and to prepare timely objections in this case.

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26 ¹ Counsel for Mr. Davila begins an approximately 12 week federal murder trial on July
27 29, 2019, and requests the sentencing hearing be scheduled on a Friday, when the trial will be
dark, if the Court is able to accommodate such a request.

2. Mr. Davila is in custody and agrees with the continuance.
3. The additional time requested is made in good faith and not for purposes of delay.
4. The additional time requested is reasonable pursuant to FRCP 32(b)(2), which states “the court may, for good cause, change any limits prescribed in this rule”.

/s/ Rebecca K. Clinton 06/24/2019

REBECCA K. CLINTON DATE
Assistant United States Attorney

/s/ Christopher R. Oram 06/24/2019

CHRISTOPHER R. ORAM, ESQ. DATE
Counsel for Defendant Gilbert Davila

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based upon the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

1. The parties have stipulated to continue the sentencing hearing as presently scheduled.
2. This Court, being convinced that adequate showing has been made that were this request for continuance to be denied, counsel would not have the necessary time to attempt to prepare for this sentencing matter, based on the following:
 - A. Counsel for Mr. Davila requires additional time to consult with Mr. Davila concerning the presentence investigation report and to prepare timely objections in this case.
 - B. The additional time requested is made in good faith and not for purposes of delay.
 - C. For all of the above-stated reasons, the ends of justice would best be served by a continuance of the Sentencing date.

1 D. The additional time requested is reasonable pursuant to FRCP 32(b)(2), which
2 states "the court may, for good cause, change any limits prescribed in this rule".
3

4 **ORDER**
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6 IT IS HEREBY ORDERED that the Sentencing currently scheduled for July 11, 2019,
7 at 10:30 a.m., be vacated and continued to September 20, 2019, at the hour of 10:00 a.m.
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9 DATED June 26, 2019.
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12 _____
13 UNITED STATES DISTRICT JUDGE
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